

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GEORGE A. JACKSON, et al.,)
)
 Plaintiffs,)
)
 v.) C.A. No. 05-823-SLR
)
 STANLEY TAYLOR, et al.,) JURY TRIAL REQUESTED
)
 Defendants.)

DECLARATION IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

Darius Young declares under penalty of perjury:

1. I am a plaintiff in the above entitled case. I make this declaration in opposition to defendants' motion for summary judgment on the Eighth Amendment violation at the SCI "old-side" kitchen.

2. The defendants' affidavits claim, in summary, that the DOC Food Staff train inmate kitchen workers, that the inspections was unannounced at the SCI kitchen. They claim that inmate workers wear not allowed to wear proper winter clothing due to Food safety rules, that they work side by side with inmate kitchen workers during the shift. They state that the ventilation is to pull smoke, odors, and steam from the kitchen. They claim that DOC Inspection Reports on file reflect no signs of pest infestation. And finally, Treatment Administrator sworn that "inmates are not force" to work in the kitchen.

3. I was employed in the kitchen for about 2½ years. When I started from day one, every job duty I performed, I was trained by an experienced inmate kitchen worker.

4. I worked in the "old-side" area of the kitchen, and the whole time I was there the exhaust hood ventiation system never worked. In fact, it is so old and out dated that there is no buttons or switches on the unit as to cut on or turn off. But the "new-side" exhaust hood ventiation sytems has the ability

with the switches and buttons to be turn on and off.

5. The floors on the "old-side" during the extreme humid days remained wet and damp to the point that you have to "tip toe" through the area carrying food and other items through the kitchen to keep from falling down. I have witness many of inmates workers fall down.


6. As for these unannounced inspection visits, there were many of days we had to clean the kitchen many days prior to the day of the actual inspection. We always knew when an inspection was going to be conducted.

7. The kitchen had two temperatures. Hot or Cold. During the winter months if you cut the heat on in the kitchen, it became so hot and unbearable. So, DOC Food Staff would not cut it on. During the summer months, what ever the temperature is outside of the kitchen, you could add 50 degrees to the temparatue compare to the "old-side" kitchen area (if its 90 degrees outside, its around 140 degrees). I have astama, and I had to use my inhaler more. There are times when I had to be seen by the medical staff from the excessive heat, and they would advised me to drink plenty of water. But the consequences from that is, there is only one toliet seat in the kitchen for the use of 22-25 inmates and casued you to wait long periods of discomfort.

8. The only time DOC Food Staff would be on the floor is if its a problem, or they are opening untensil boxes checking carts or roll call. But the rest of the time they remained temperature control office or they be in the "new-side" kitchen area.

9. If an inmate refused to work in the kitchen or quit his kitchen job, he would received a class I write-up, and moved to higher security with increase points.

10. The foreoing factual alleagtions create a genuine issue of material fact and will, if proved at trial, entitle me to judgment.


Daruis Young

SWORN AND SUBSCRIBED before me this 5 day of June, 2008.


Notary

JUDITH ANN LEDERMAN
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires August 28, 2009

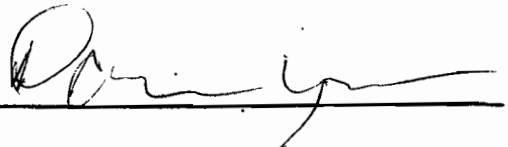
CERTIFICATE OF SERVICE

I, Darius Youne, hereby certify that I have served a true and correct copy of the attached Affidavit upon the following person/s below:

<u>NAME</u>	<u>STREET</u>	<u>CITY/STATE/ZIP</u>
<u>Catherine Damavant,</u>		
<u>Deputy Atty General</u>		
<u>Dept of Justice</u>		
<u>820 N. French st.</u>		
<u>Wilm. DEl. 19801</u>		

By placing same in a sealed, postage pre-paid envelope and depositing same in the United States Mail at Sussex Correctional Institution, P.O. Box 500, Georgetown, Delaware 19947.

This 15 day of JUNE, 08.



IM: Darius Youns BLDG: West
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